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EXAMINER

HUANG, WEN WU

ART UNIT PAPER NUMBER

2682

DATE MAILED: 02/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/092,452

Applicant(s)

RUCKART, JOHN P.

Examiner

Wen W. Huang

Art Unit

2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 16, 18 and 23-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16, 18, 23-36 and 39-41 is/are rejected.
- 7) ☒ Claim(s) 37 and 38 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/24/2005 has been entered.

Claims 1-15, 17 and 19-22 are cancelled.

Claims 16, 18 and 23-41 are pending.

### ***Claim Objections***

1. Claims 1 and 30 are objected to because of the following informalities:

Regarding claims 1 and 30, the limitation (said audio processing) lacks antecedent basis.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the

art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 28, 29 and 39-41 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding **claims 28 and 29**, a description supporting the limitation (i.e. a second microphone and a second speaker) cannot be found in the specification and drawing (fig. 5-7) of the instant application.

Regarding **claim 39**, a description supporting the limitation (i.e. a second microphone configured to communicate with said microprocessor) cannot be found in the specification and drawing of the instant application.

More specifically, one embodiment in the instant application (see [00018] of the instant application) describes the mobile communication device 100 sharing certain components of the mobile telephone 120 and the audio recorder 150. However, no second microphone can be found (fig. 3 and 4 of the instant application). And a second microphone is not required because the mobile telephone 120 and the audio recorder share a microphone and a speaker (see last sentence of paragraph [00019] of the instant application).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 16, 18 and 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis (US. 5,867,793) and Walters et al. (WO 94/80951; PCT/US93/04219; hereinafter "Walters"; incorporated by Davis) in view of Alonso et al. (US. 6,035,352; hereinafter "Alonso")

Regarding **claim 16**, Davis teaches a mobile communication device (see Davis, fig. 1, component 10), comprising:

a housing (see Davis, fig. 1, component 12); and

a self-contained audio recorder operably supported by said housing (see Davis, fig. 3, component 20),

wherein said self-contained audio recorder comprises (see Davis, col. 2, lines 18-20 and 26-28):

a second processor supported by said housing (see Walters, fig. 3, component 62);

an input device communicating with said second microprocessor (see Walters, fig. 3, component 64) for recording a signal on a recording medium (see Walters, page 11, second paragraph);

record and playback circuitry coupled to said second microprocessor for recording a signal on a recording medium (see Walters, fig. 3, component 60);

a first microphone communicating with said second microprocessor through said record and playback circuitry (see Walters, fig. 3, component 27); and

a first speaker communicating with said second microprocessor through said record and playback circuitry (see Walters, fig. 3, component 25).

However, Davis fails to teaches that comprising:

a mobile pager operably supported by said housing,

wherein said mobile pager comprises:

a first microprocessor supported by said housing;

microprocessor support circuitry communicating with said first microprocessor;

an interface controller operably connected to said microprocessor support circuitry;

a display screen communicating with said interface controller;

a keypad connected to said interface controller;

transmitter receiver circuitry connected to said microprocessor support circuitry;

and

an antenna communicating with said transmitter receiver circuitry.

But, Alonso teaches that comprising:

a mobile pager operably supported by said housing (see Alonso, fig. 1),  
wherein said mobile pager comprises:  
a first microprocessor supported by said housing (see Alonso, fig. 1, component 20, col. 2, line 19);  
microprocessor support circuitry communicating with said first microprocessor (see Alonso, fig. 1, component 40, "Pager Flex Chip Set");  
an interface controller operably connected to said microprocessor support circuitry (see Alonso, fig. 1, "Port" and "Control" between components 20 and 40);  
a display screen communicating with said interface controller (see Alonso, fig. 1, component 80 and "Port" connecting components 80 and 20);  
a keypad connected to said interface controller (see Alonso, fig. 1, component 70 and "Port" connecting components 70 and 20);  
transmitter receiver circuitry connected to said microprocessor support circuitry (see Alonso, fig. 1, component 40, "Pager RF front"); and  
an antenna communicating with said transmitter receiver circuitry (see Alonso, fig. 1, component 40, "Pager Antenna").

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teaching of Davis and the teaching of Alonso in order to provide a portable device that includes all necessary functions to satisfy a user's need (see Alonso, col. 1, lines 49-56).

Regarding **claim 18**, the combination of Davis and Alonso also teaches the mobile communication device of claim 16, further comprising an LED communicating with said second microprocessor (see Walters, fig. 3, components 21 and 23).

Regarding **claim 23**, the combination of Davis and Alonso also teaches the mobile communication device of claim 16, further comprising a program memory (see Alonso, fig. 1, component 34).

Regarding **claim 24**, the combination of Davis and Alonso also teaches the mobile communication device of claim 16, further comprising a working memory (see Alonso, fig. 1, component 32).

Regarding **claim 25**, the combination of Davis and Alonso also teaches the mobile communication device of claim 24, further comprising a program memory, wherein the program memory is different than the working memory (see Alonso, fig. 1, component 34).

4. Claims 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis and Alonso as applied to claim 16 above, and further in view of Boursier et al. (US. 5,675,333; hereinafter "Boursier")



Regarding **claim 26**, the combination of Davis and Alonso teaches the mobile communication device of claim 16.

However, the combination of Davis and Alonso fails to teach that wherein the self-contained audio recorder further comprises analog to digital circuitry.

But, Boursier teaches a self-contained audio recorder comprises analog to digital circuitry (see Boursier, fig. 1, components 3 and 15).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teaching of Davis and Alonso with the teaching of Boursier in order to provide a better recorded audio quality (see Boursier, col. 1, lines 30-32).

Regarding **claim 27**, the combination of Davis and Alonso teaches the mobile communication device of claim 16.

However, the combination of Davis and Alonso fails to teach that wherein the self-contained audio recorder further comprises compression/decompression circuitry.

But, Boursier teaches a self-contained audio recorder comprises compression/decompression circuitry (see Boursier, fig. 1, component 7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teaching of Davis and Alonso with the teaching of Boursier in order to increase a possible recording length (see Boursier, col. 1, lines 30-32).

5. Claims 30-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis (US. 5,867,793) and Walters et al. (WO 94/80951; PCT/US93/04219; hereinafter "Walters"; incorporated by Davis) in view of Wohl et al. (US. 5,247,700; hereinafter "Wohl")

Regarding **claim 30**, Davis teaches a mobile communication device (see Davis, fig. 1, component 10), comprising:

a housing (see Davis, fig. 1, component 12);

a mobile telephone operably supported by said housing (see Davis, fig. 1, component 60); and

a self-contained audio recorder operably supported by said housing (see Davis, fig. 3, component 20),

wherein said self-contained audio recorder comprises (see Davis, col. 2, lines 18-20 and 26-28):

a second processor supported by said housing (see Walters, fig. 3, component 62);

an input device communicating with said second microprocessor (see Walters, fig. 3, component 64) for recording a signal on a recording medium (see Walters, page 11, second paragraph);

record and playback circuitry coupled to said second microprocessor for recording a signal on a recording medium (see Walters, fig. 3, component 60);

a first microphone communicating with said second microprocessor through said record and playback circuitry (see Walters, fig. 3, component 27); and

a first speaker communicating with said second microprocessor through said record and playback circuitry (see Walters, fig. 3, component 25).

However, Davis fails to teaches that wherein said mobile telephone comprises:

a first microprocessor supported by said housing;

microprocessor support circuitry communicating with said first microprocessor;

an interface controller operably connected to said microprocessor support circuitry;

a display screen communicating with said interface controller;

a keypad connected to said interface controller;

transmitter receiver circuitry connected to said microprocessor support circuitry;

and

an antenna communicating with said transmitter receiver circuitry.

But, Wohl teaches a mobile telephone comprises:

a first microprocessor supported by said housing (see Wohl, fig. 1, component 22);

microprocessor support circuitry communicating with said first microprocessor (see Wohl, fig. 1, component 24);

an interface controller operably connected to said microprocessor support circuitry (see Wohl, fig. 1, components 30 and 32, "CONTROL" among components 22, 24 and 29);

a display screen communicating with said interface controller (see Wohl, fig. 1, component 34);

a keypad connected to said interface controller (see Wohl, fig. 1, component 36);  
transmitter receiver circuitry connected to said microprocessor support circuitry (see Wohl, fig. 1, component 20); and

an antenna communicating with said transmitter receiver circuitry (see Wohl, fig. 1, component 12).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teaching of Davis and the teaching of Wohl in order to implement the cellular phone required by Davis (see Davis, col. 1, lines 11-14).

Regarding **claim 31**, the combination of Davis and Wohl also teaches the mobile communication device of claim 30, further comprising an LED communicating with said second microprocessor (see Walters, fig. 3, components 21 and 23).

Regarding **claim 32**, the combination of Davis and Wohl also teaches the mobile communication device of claim 30, further comprising a program memory (see Wohl, fig. 1, component 42).

Regarding **claim 33**, the combination of Davis and Alonso also teaches the mobile communication device of claim 16, further comprising a working memory (see Wohl, fig. 1, component 44).

Regarding **claim 34**, the combination of Davis and Alonso also teaches the mobile communication device of claim 33, further comprising a program memory, wherein the program memory is different than the working memory (see Wohl, fig. 1, component 42).

6. Claims 35 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis and Wohl as applied to claim 30 above, and further in view of Boursier et al. (US. 5,675,333; hereinafter "Boursier")

Regarding **claim 36**, the combination of Davis and Wohl teaches the mobile communication device of claim 30.

However, the combination of Davis and Wohl fails to teach that wherein the self-contained audio recorder further comprises analog to digital circuitry.

But, Boursier teaches a self-contained audio recorder comprises analog to digital circuitry (see Boursier, fig. 1, components 3 and 15).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teaching of Davis and Wohl with the

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teaching of Boursier in order to provide a better recorded audio quality (see Boursier, col. 1, lines 30-32).

Regarding **claim 36**, the combination of Davis and Wohl teaches the mobile communication device of claim 30.

However, the combination of Davis and Wohl fails to teach that wherein the self-contained audio recorder further comprises compression/decompression circuitry.

But, Boursier teaches a self-contained audio recorder comprises compression/decompression circuitry (see Boursier, fig. 1, component 7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teaching of Davis and Wohl with the teaching of Boursier in order to increase a possible recording length (see Boursier, col. 1, lines 30-32).

#### ***Allowable Subject Matter***

7. Claims 37 and 38 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance:

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Regarding claims 37 and 38, the prior art of record fails to show that comprising a second speaker and a second microphone coupled to the mobile telephone, wherein the first speaker and the first microphone are different than the second speaker and the second microphone.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wen W. Huang whose telephone number is (571) 272-7852. The examiner can normally be reached on 10am - 6pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris H. To can be reached on (571) 272-7629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

wwh

WV  
4/11/06

  
LEE NGUYEN  
PRIMARY EXAMINER